

Senate Engrossed House Bill

**FILED**

**KEN BENNETT**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 49

# **HOUSE BILL 2298**

AN ACT

AMENDING SECTION 15-203, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to  
3 read:

4 15-203. Powers and duties

5 A. The state board of education shall:

6 1. Exercise general supervision over and regulate the conduct of the  
7 public school system and adopt any rules and policies it deems necessary to  
8 accomplish this purpose.

9 2. Keep a record of its proceedings.

10 3. Make rules for its own government.

11 4. Determine the policy and work undertaken by it.

12 5. Appoint its employees, on the recommendation of the superintendent  
13 of public instruction.

14 6. Prescribe the duties of its employees if not prescribed by statute.

15 7. Delegate to the superintendent of public instruction the execution  
16 of board policies and rules.

17 8. Recommend to the legislature changes or additions to the statutes  
18 pertaining to schools.

19 9. Prepare, publish and distribute reports concerning the educational  
20 welfare of this state.

21 10. Prepare a budget for expenditures necessary for proper maintenance  
22 of the board and accomplishment of its purposes and present the budget to the  
23 legislature.

24 11. Aid in the enforcement of laws relating to schools.

25 12. Prescribe a minimum course of study in the common schools, minimum  
26 competency requirements for the promotion of pupils from the third grade and  
27 minimum course of study and competency requirements for the promotion of  
28 pupils from the eighth grade. The state board of education shall prepare a  
29 fiscal impact statement of any proposed changes to the minimum course of  
30 study or competency requirements and, on completion, shall send a copy to the  
31 director of the joint legislative budget committee and the executive director  
32 of the school facilities board. The state board of education shall not adopt  
33 any changes in the minimum course of study or competency requirements in  
34 effect on July 1, 1998 that will have a fiscal impact on school capital  
35 costs.

36 13. Prescribe minimum course of study and competency requirements for  
37 the graduation of pupils from high school. The state board of education  
38 shall prepare a fiscal impact statement of any proposed changes to the  
39 minimum course of study or competency requirements and, on completion, shall  
40 send a copy to the director of the joint legislative budget committee and the  
41 executive director of the school facilities board. The state board of  
42 education shall not adopt any changes in the minimum course of study or  
43 competency requirements in effect on July 1, 1998 that will have a fiscal  
44 impact on school capital costs.

1        14. Supervise and control the certification of persons engaged in  
2 instructional work directly as any classroom, laboratory or other teacher or  
3 indirectly as a supervisory teacher, speech therapist, principal or  
4 superintendent in a school district, including school district preschool  
5 programs, or any other educational institution below the community college,  
6 college or university level, and prescribe rules for certification, including  
7 rules for certification of teachers who have teaching experience and who are  
8 trained in other states, which are not unnecessarily restrictive and are  
9 substantially similar to the rules prescribed for the certification of  
10 teachers trained in this state. The rules shall:

11        (a) ALLOW A VARIETY OF ALTERNATIVE TEACHER AND ADMINISTRATOR  
12 PREPARATION PROGRAMS, WITH VARIATIONS IN PROGRAM SEQUENCE AND DESIGN, TO  
13 APPLY FOR PROGRAM APPROVAL. THE BOARD SHALL ADOPT RULES PURSUANT TO THIS  
14 SUBDIVISION DESIGNED TO ALLOW FOR A VARIETY OF FORMATS AND SHALL NOT REQUIRE  
15 A PRESCRIBED ANSWER OR DESIGN FROM THE PROGRAM PROVIDER IN ORDER TO OBTAIN  
16 APPROVAL FROM THE STATE BOARD. THE STATE BOARD SHALL EVALUATE EACH PROGRAM  
17 PROVIDER BASED ON THE PROGRAM'S ABILITY TO PREPARE TEACHERS AND  
18 ADMINISTRATORS AND TO RECRUIT TEACHERS AND ADMINISTRATORS WITH A VARIETY OF  
19 EXPERIENCES AND TALENTS. THE BOARD SHALL PERMIT UNIVERSITIES UNDER THE  
20 JURISDICTION OF THE BOARD OF REGENTS, COMMUNITY COLLEGES IN THIS STATE,  
21 PRIVATE POSTSECONDARY INSTITUTIONS LICENSED BY THIS STATE, SCHOOL DISTRICTS,  
22 CHARTER SCHOOLS AND PROFESSIONAL ORGANIZATIONS TO APPLY FOR PROGRAM APPROVAL  
23 AND SHALL CREATE APPLICATION PROCEDURES AND CERTIFICATION CRITERIA THAT ARE  
24 LESS RESTRICTIVE THAN THOSE FOR TRADITIONAL PREPARATION PROGRAMS.  
25 ALTERNATIVE PREPARATION PROGRAM GRADUATES SHALL:

26        (i) HOLD A BACHELOR'S DEGREE FROM AN ACCREDITED POSTSECONDARY  
27 EDUCATION INSTITUTION.

28        (ii) DEMONSTRATE PROFESSIONAL KNOWLEDGE AND SUBJECT KNOWLEDGE  
29 PROFICIENCY PURSUANT TO SECTION 15-533.

30        (iii) OBTAIN A FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 15-534.

31        (iv) COMPLETE TRAINING IN STRUCTURED ENGLISH IMMERSION AS PRESCRIBED  
32 BY THE BOARD.

33        (v) COMPLETE TRAINING IN RESEARCH BASED SYSTEMATIC PHONICS INSTRUCTION  
34 AS PRESCRIBED IN SUBDIVISION (b) OF THIS PARAGRAPH.

35        (vi) DEMONSTRATE THE REQUIRED PROFICIENCY IN THE CONSTITUTIONS OF THE  
36 UNITED STATES AND ARIZONA AS PRESCRIBED IN SECTION 15-532.

37        (b) Require applicants for all certificates for common school  
38 instruction to complete a minimum of forty-five classroom hours or three  
39 college level credit hours, or the equivalent, of training in research based  
40 systematic phonics instruction from a public or private provider.

41        (c) ~~The rules shall~~ Not require a teacher to obtain a master's degree  
42 or to take any additional graduate courses as a condition of certification or  
43 recertification.

1       (d) ~~The rules shall~~ Allow a general equivalency diploma to be  
2 substituted for a high school diploma in the certification of emergency  
3 substitute teachers.

4       (e) ~~The rules shall~~ Allow but shall not require the superintendent of  
5 a school district to obtain certification from the state board of education.

6       15. Adopt a list of approved tests for determining special education  
7 assistance to gifted pupils as defined in and as provided in chapter 7,  
8 article 4.1 of this title. The adopted tests shall provide separate scores  
9 for quantitative reasoning, verbal reasoning and nonverbal reasoning and  
10 shall be capable of providing reliable and valid scores at the highest ranges  
11 of the score distribution.

12       16. Adopt rules governing the methods for the administration of all  
13 proficiency examinations.

14       17. Adopt proficiency examinations for its use. The state board of  
15 education shall determine the passing score for the proficiency examination.

16       18. Include within its budget the cost of contracting for the purchase,  
17 distribution and scoring of the examinations as provided in paragraphs 16 and  
18 17 of this subsection.

19       19. Supervise and control the qualifications of professional  
20 nonteaching school personnel and prescribe standards relating to  
21 qualifications. The standards shall not require the business manager of a  
22 school district to obtain certification from the state board of education.

23       20. Impose such disciplinary action, including the issuance of a letter  
24 of censure, suspension, suspension with conditions or revocation of a  
25 certificate, upon a finding of immoral or unprofessional conduct.

26       21. Establish an assessment, data gathering and reporting system for  
27 pupil performance as prescribed in chapter 7, article 3 of this title.

28       22. Adopt a rule to promote braille literacy pursuant to section  
29 15-214.

30       23. Adopt rules prescribing procedures for the investigation by the  
31 department of education of every written complaint alleging that a  
32 certificated person has engaged in immoral conduct.

33       24. For purposes of federal law, serve as the state board for  
34 vocational and technological education and meet at least four times each year  
35 solely to execute the powers and duties of the state board for vocational and  
36 technological education.

37       25. Develop and maintain a handbook for use in the schools of this  
38 state that provides guidance for the teaching of moral, civic and ethical  
39 education. The handbook shall promote existing curriculum frameworks and  
40 shall encourage school districts to recognize moral, civic and ethical values  
41 within instructional and programmatic educational development programs for  
42 the general purpose of instilling character and ethical principles in pupils  
43 in kindergarten programs and grades one through twelve.

44       26. Require pupils to recite the following passage from the declaration  
45 of independence for pupils in grades four through six at the commencement of

1 the first class of the day in the schools, except that a pupil shall not be  
2 required to participate if the pupil or the pupil's parent or guardian  
3 objects:

4 We hold these truths to be self-evident, that all men are  
5 created equal, that they are endowed by their creator with  
6 certain unalienable rights, that among these are life, liberty  
7 and the pursuit of happiness. That to secure these rights,  
8 governments are instituted among men, deriving their just powers  
9 from the consent of the governed. . . .

10 27. Adopt rules that provide for teacher certification reciprocity.  
11 The rules shall provide for a one year reciprocal teaching certificate with  
12 minimum requirements including valid teacher certification from a state with  
13 substantially similar criminal history or teacher fingerprinting requirements  
14 and proof of the submission of an application for a fingerprint clearance  
15 card pursuant to title 41, chapter 12, article 3.1.

16 28. Adopt rules that provide for the presentation of an honorary high  
17 school diploma to a person who has never obtained a high school diploma and  
18 who meets both of the following requirements:

19 (a) Currently resides in this state.

20 (b) Provides documented evidence from the Arizona department of  
21 veterans' services that the person enlisted in the armed forces of the United  
22 States and served in World War I, World War II, the Korean conflict or the  
23 Vietnam conflict.

24 29. Cooperate with the Arizona-Mexico commission in the governor's  
25 office and with researchers at universities in this state to collect data and  
26 conduct projects in the United States and Mexico on issues that are within  
27 the scope of the duties of the department of education and that relate to  
28 quality of life, trade and economic development in this state in a manner  
29 that will help the Arizona-Mexico commission to assess and enhance the  
30 economic competitiveness of this state and of the Arizona-Mexico region.

31 30. Adopt rules to define and provide guidance to schools as to the  
32 activities that would constitute immoral or unprofessional conduct of  
33 certificated persons.

34 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven  
35 and twelve to volunteer for twenty hours of community service before  
36 graduation from high school. A school district that complies with the  
37 guidelines adopted pursuant to this paragraph is not liable for damages  
38 resulting from a pupil's participation in community service unless the school  
39 district is found to have demonstrated wanton or reckless disregard for the  
40 safety of the pupil and other participants in community service. For the  
41 purposes of this paragraph, "community service" may include service learning.  
42 The guidelines shall include the following:

43 (a) A list of the general categories in which community service may be  
44 performed.

1 (b) A description of the methods by which community service will be  
2 monitored.

3 (c) A consideration of risk assessment for community service projects.

4 (d) Orientation and notification procedures of community service  
5 opportunities for pupils entering grade nine, including the development of a  
6 notification form. The notification form shall be signed by the pupil and  
7 the pupil's parent or guardian, except that a pupil shall not be required to  
8 participate in community service if the parent or guardian notifies the  
9 principal of the pupil's school in writing that the parent or guardian does  
10 not wish the pupil to participate in community service.

11 (e) Procedures for a pupil in grade nine to prepare a written proposal  
12 that outlines the type of community service that the pupil would like to  
13 perform and the goals that the pupil hopes to achieve as a result of  
14 community service. The pupil's written proposal shall be reviewed by a  
15 faculty advisor, a guidance counselor or any other school employee who is  
16 designated as the community service program coordinator for that school. The  
17 pupil may alter the written proposal at any time before performing community  
18 service.

19 (f) Procedures for a faculty advisor, a guidance counselor or any  
20 other school employee who is designated as the community service program  
21 coordinator to evaluate and certify the completion of community service  
22 performed by pupils.

23 32. To facilitate the transfer of military personnel and their  
24 dependents to and from the public schools of this state, pursue, in  
25 cooperation with the Arizona board of regents, reciprocity agreements with  
26 other states concerning the transfer credits for military personnel and their  
27 dependents. A reciprocity agreement entered into pursuant to this paragraph  
28 shall:

29 (a) Address procedures for each of the following:

30 (i) The transfer of student records.

31 (ii) Awarding credit for completed course work.

32 (iii) Permitting a student to satisfy the graduation requirements  
33 prescribed in section 15-701.01 through the successful performance on  
34 comparable exit-level assessment instruments administered in another state.

35 (b) Include appropriate criteria developed by the state board of  
36 education and the Arizona board of regents.

37 33. Adopt guidelines that school district governing boards shall use in  
38 identifying pupils who are eligible for gifted programs and in providing  
39 gifted education programs and services. The state board of education shall  
40 adopt any other guidelines and rules that it deems necessary in order to  
41 carry out the purposes of chapter 7, article 4.1 of this title.

42 34. For each of the alternative textbook formats of human-voiced audio,  
43 large-print and braille, designate alternative media producers to adapt  
44 existing standard print textbooks or to provide specialized textbooks, or  
45 both, for pupils with disabilities in this state. Each alternative media

1 producer shall be capable of producing alternative textbooks in all relevant  
2 subjects in at least one of the alternative textbook formats. The board  
3 shall post the designated list of alternative media producers on its website.

4 35. Adopt a list of approved professional development training  
5 providers for use by school districts as provided in section 15-107,  
6 subsection J. The professional development training providers shall meet the  
7 training curriculum requirements determined by the state board of education  
8 in at least the areas of school finance, governance, employment, staffing,  
9 inventory and human resources, internal controls and procurement.

10 36. Adopt rules to prohibit a person who violates the notification  
11 requirements prescribed in section 15-183, subsection C, paragraph 7 or  
12 section 15-550, subsection C from certification pursuant to this title until  
13 the person is no longer charged or is acquitted of any offenses listed in  
14 section 41-1758.03, subsection B. The board shall also adopt rules to  
15 prohibit a person who violates the notification requirements, certification  
16 surrender requirements or fingerprint clearance card surrender requirements  
17 prescribed in section 15-183, subsection C, paragraph 8 or section 15-550,  
18 subsection D from certification pursuant to this title for at least ten years  
19 after the date of the violation.

20 37. Adopt rules for the alternative certification of teachers of  
21 nontraditional foreign languages that allow for the passing of a nationally  
22 accredited test to substitute for the education coursework required for  
23 certification.

24 B. The state board of education may:

25 1. Contract.

26 2. Sue and be sued.

27 3. Distribute and score the tests prescribed in chapter 7, article 3  
28 of this title.

29 4. Provide for an advisory committee to conduct hearings and  
30 screenings to determine whether grounds exist to impose disciplinary action  
31 against a certificated person, whether grounds exist to reinstate a revoked  
32 or surrendered certificate and whether grounds exist to approve or deny an  
33 initial application for certification or a request for renewal of a  
34 certificate. The board may delegate its responsibility to conduct hearings  
35 and screenings to its advisory committee. Hearings shall be conducted  
36 pursuant to title 41, chapter 6, article 6.

37 5. Proceed with the disposal of any complaint requesting disciplinary  
38 action or with any disciplinary action against a person holding a certificate  
39 as prescribed in subsection A, paragraph 14 of this section after the  
40 suspension or expiration of the certificate or surrender of the certificate  
41 by the holder.

42 6. Assess costs and reasonable attorney fees against a person who  
43 files a frivolous complaint or who files a complaint in bad faith. Costs  
44 assessed pursuant to this paragraph shall not exceed the expenses incurred by  
45 the state board in the investigation of the complaint.

1           Sec. 2. Preparation program providers; reapplication

2           Any preparation program provider currently approved or in the  
3 application process with the state board of education may reapply for program  
4 approval pursuant to section 15-203, subsection A, paragraph 14,  
5 subdivision (a), Arizona Revised Statutes, as amended by this act, upon the  
6 effective date of this act.

APPROVED BY THE GOVERNOR APRIL 14, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2010.